

By _____

The City Council of the City of Minneapolis do ordain as follows:

I. Amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Boulevards*.

Section 1. That Section 427.10 be amended as follows:

427.10. - Boulevards.

(a) *Purpose.* It is the purpose and intent of the City of Minneapolis that boulevards be constructed and maintained to enhance and improve the aesthetic appearance of city streets and highways as an aid to maintaining the quality and livability of the residential neighborhoods of the city.

(b) *Definitions.* That part of all streets and avenues lying between the sidewalk and the property line and between the sidewalk and the roadway, or when no sidewalk exists, between the roadway and the property line, shall be known and designated as "boulevards".

That part of a boulevard lying between the sidewalk and the roadway which operates as a linear extension of a walkway extending from a building entrance to such sidewalk shall be known and designated as a "boulevard walk."

(c) *Vegetation.* Except for flowers, grass and trees as provided herein, the growing or planting of any weed or similar noxious plant, ~~vegetables, fruits~~, hedges, shrubs or other type of vegetation on any boulevard is prohibited, unless a permit for such is issued by the city.

(1) ~~Flowers and grass permitted.~~ Flowers and grass grown on that part of any boulevard between the sidewalk and the roadway are allowed without a permit from the city, provided that they shall not violate any other provision of this Code, including sections 227.90 and 244.1580 which shall be deemed to apply by reference. ~~not exceed thirty-six (36) inches in height, and flowers grown within twenty (20) feet of an intersection, alley or driveway approach, or five (5) feet of any public utility fixture shall not exceed eighteen (18) inches in height.~~

(2) *Trees.* Planting trees in boulevards is allowed only upon obtaining a permit as required by Chapter 10 of the Park and Recreation Board Code of Ordinances. ~~Grass and trees permitted. The growing of grass in compliance with section 227.90 of this Code and trees in compliance with Chapter 10 of the Park and Recreation Board Code of Ordinance[s] are allowed without a permit from the city council.~~

(d) *Boulevard walks.* No person shall construct or place any boulevard walk upon any boulevard without first obtaining the permit required by section 437.20 of this Code. Such boulevard walk shall be constructed of concrete, or of brick or other suitable material if approved by the city engineer. In no event shall the boulevard walk exceed six (6) feet in width or be constructed of blacktop, asphalt or similar material.

(e) *Paving permit required.* Other than such boulevard walk, no person shall pave over or cover any boulevard unless a permit has been granted by the city council upon a finding that paving or covering the boulevard will not have a substantially negative impact on the aesthetic appearance of adjacent residential properties. The city engineer shall process ~~and forward~~ all applications for such permit ~~to the appropriate committee of the city council and recommend~~ determine

whether the permit should be granted. In no event shall any person use blacktop, asphalt or any similar material to pave over or cover any portion of the boulevard.

(f) *Compliance requirements.* The city engineer shall have the authority to investigate the status of all existing boulevards in all zoning districts of the city and determine which boulevards and/or boulevard walks do not comply with this Ordinance. For any property determined to be in violation, the city engineer or his or her designee shall communicate such information to the city's inspections department. The inspections department shall then enforce compliance with this section in the same procedural manner provided at section 227.100 et. seq. ~~affected property owner who shall then bring such boulevards and/or boulevard walks into compliance. Appeals from the determination of the city engineer shall be by application to the city council. Once such determination is final, upon failure to comply, the city engineer shall effect compliance and assess the reasonable costs thereof against the property as provided in Charter Chapter 8.~~

~~(1) Property owners in violation of section (c) above shall have ten (10) days to bring such boulevard into compliance.~~

~~(2) Property owners in violation of sections (d) and (e) above shall have sixty (60) days to bring boulevards and boulevard walks into compliance.~~

(g) *Exemptions.* Property used for nonresidential educational purposes is exempt from the provisions of this Ordinance to the extent that properly designated and constructed vehicle loading areas are created on the boulevard adjacent to such property. Bicycle and/or pedestrian paths constructed by the city or the park board are exempt from the provisions of this Ordinance.